

Judge Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR13-0165 TSZ
)	
Plaintiff,)	DEFENSE TRIAL
v.)	BRIEF
)	
JOHN CHRISTIAN PARKS,)	
<u>Defendant</u>)	

JOHN CHRISTIAN PARKS, through his counsel, Terrence Kellogg, in
accordance with CrR 23.1 of the Local Rules for the Western District of
Washington, submits the following trial brief.

This case is expected to last 4 Court days.

The defense is presently aware of no unique or unusual substantive legal issues or
evidentiary issues which may be presented or arise during the time of trial.

The court is asked to give as a preliminary instruction. The pattern instructions
1.2 from the Ninth Circuit manual of pattern jury instructions in criminal cases, 2010
edition, setting forth the presumption of innocence.

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2 during the course of trial. It is anticipated a photomontage may be introduced depicting
3 the defendant in jail garb. The Court is asked to give the proposed pattern criminal
4 instruction 2.12 as a limiting instruction at the time such photomontage is testified to or
5 introduced as evidence.

6
7 It is the defense understanding, at present, that there is no requirement of
8 unanimity among the jury as to which specific firearms alleged to have been in the
9 possession of Parks are found by the jury to have been proven by the government. The
10 comment to pattern instructions 7.9, refers to it not being an abuse of discretion to refuse
11 a specific unanimity instruction for a defendant charged "... with a single crime based on
12 a single set of facts and where prohibited acts were merely alternative means by which the
13 defendant may be held criminally liable for the underlying substantive offense." If, upon
14 further research, the defense believes it is a tenable position to argue unanimity is
15 required by the jury as to which, if any, specific firearms alleged to have been in the
16 possession of parks the defense will submit a supplemental instruction requiring same
17 with supporting legal authority.

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19 The parties have agreed, with the consent of the Court, to enter into stipulations as
20 (1) Parks having a prior conviction of a crime punishable by imprisonment exceeding one
21 year; (2) the fact of prior convictions for impeachment purposes under ER 609 as
22 determined by the Court should the defendant testify; and (3) the interstate nexus of
23 firearms alleged to have been in Parks' possession.

24
25 The defendant may testify as to the facts underlying the charges at trial. The
26 defense may call as many as five other witnesses. One of those witnesses, the defense
27

investigator, Karen Sanderson, may be called as a rebuttal witness if appropriate given testimony by government witnesses.

The defense does not expect to introduce exhibits during the course of trial and does not intend to submit an exhibit list.

Dated this 18th of October, 2013, at SEATTLE, Washington.

s/ Terrence Kellogg
Terrence Kellogg, Attorney for
JOHN CHRISTIAN PARKS

CERTIFICATE OF SERVICE

Terrence Kellogg does hereby certify that on the 18th of October, 2013 he caused the document set forth above to be served on all counsel of record by filing the same with the Western District of Washington ECF system.

s/ Terrence Kellogg
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